

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,

*Plaintiff*

vs.

BRIAN JESSE FREEMAN,

*Defendant.*

DOCKET NO. 3:03cr152  
(Related Docket: 3:12cv738-GCM)

**ORDER**

**THIS MATTER** is before the Court on Defendant's Motion for Time-Served Sentence (Doc. No. 43).

Defendant filed a motion to vacate sentence on November 6, 2012. The government responded in support of the motion on May 8, 2013. This Court granted the motion, in-part and denied in-part on June 17, 2013, and also ordered that the Defendant be resentenced in accordance with the Order.

In his Motion for Time-Served Sentence, Defendant shows unto the Court that without application of the 120-month mandatory minimum, Defendant is subject to a Guideline range on Count One of 84 to 105 months, plus a mandatory, consecutive 60-month sentence on Count Four, for a total of 144 – 165 months imprisonment. Defendant has been in custody since August 20, 2003, having served more than 127-months in prison, excluding any “good time” credit. Provided this Court resentenced Defendant to a low-end Guideline sentence, Defendant would have served in excess of that sentence.

Therefore, upon consideration of the relevant filings, this Court finds that a time-served sentence is appropriate. In order to most efficiently process Defendant's release, this Court hereby GRANTS Defendants motion for a time-served sentence without a hearing.

The Clerk is directed to certify copies of this order to Defendant, to counsel for Defendant, to the United States Attorney, and the United States Marshals Office.

Furthermore, The Bureau of Prisons is directed to release the Defendant 10-days after the signing of this Order.

**SO ORDERED.**

Signed: April 7, 2014

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

